

(a) whether it is a fact that in the event of death or torture of a suspect in police custody, generally, the SHO and the police station involved in the case is entrusted with the investigation;

(b) if so, whether Government feel that such a procedure fails to bring out the truth and the system requires a change providing investigation into such cases by an independent agency; and

(c) if so, what procedural changes in this regard are contemplated by Government?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI ARUN JAITLEY): (a) to (c) According to Section 176 of the Code of Criminal Procedure, the nearest magistrate empowered to hold inquests shall hold an enquiry when a person dies while in the custody of the Police. Further, the Government is contemplating providing for mandatory judicial enquiry in case of death or disappearance or rape of a woman while in custody of the Police and in case of death, examination of the body within 24 hours of death.

Cases pending in trial courts

458. SHRI YADLAPATI VENKAT RAO: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) the number of cases pending in trial courts; and

(b) whether Government propose to appoint retired judges in these courts to reduce the backlog causing problem for the litigants?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI ARUN JAITLEY): (a) As on 31.12.1998, about 1.34 crore criminal cases were pending in magisterial and sessions courts in the country.

(b) It is the primary responsibility of the State Government to appoint judges in trial courts in consultation with the concerned High Court. Central Government has sanctioned an amount of Rs.502.90 crore for creation of 1734 Fast Track additional courts in the Country for disposal of long pending sessions cases and other criminal/civil cases. *Adhoc* judges, including retired judges, will be appointed for these additional courts.

Payment of HRA dues by Ports

459. SHRI ANANTA SETHI: Will the Minister of SHIPPING be pleased to state:

- (a) whether the workers of some ports have not yet been paid their house rent dues;
- (b) if so, what are those ports where the workers have not been paid their HRA;
- (c) the number of these workers and the total amount to be paid to them since 1st January, 1998; and
- (d) the steps taken to expedite their payment of HRA dues?

THE MINISTER OF STATE IN THE MINISTRY OF SHIPPING (SHRI HUKUMDEO NARAYAN YADAV): (a) and (b) House Rent Allowance has been paid to all the eligible workers of all Major Ports except Calcutta Port.

(c) The number of workers of Calcutta Port Trust to whom House Rent Allowance has not been paid is 7,500 and the total arrear amount payable on this account is Rs. 48 crores approximately.

(d) Arrears bills for payment of House Rent Allowance have been drawn up to make payment towards House Rent Allowance dues.

Introduction of Tonnage Tax

460. SHRI R.S. GAVAI: Will the Minister of SHIPPING be pleased to state:

- (a) whether Government propose to introduce tonnage tax in place of the existing corporate tax for the shipping companies;
- (b) if not, the reasons therefor;
- (c) whether it is a fact that the existing effective tax rate for Indian Shipping Companies is much higher than that of other countries;
- (d) if so, the reasons therefor and its impact on the development of shipping industry; and
- (e) the steps proposed by Government to rationalise the tax structure?

THE MINISTER OF STATE IN THE MINISTRY OF SHIPPING (SHRI HUKUMDEO NARAYAN YADAV): (a) to (e) This Ministry's proposal for introduction of Tonnage Tax in lieu of existing Corporate Tax for the Shipping Industry is under consideration of the Government of India. In so far as higher tax rate for the Shipping Industry in India *vis-a-vis* other countries is concerned, although no comparative study has been made to assess the incidence of direct taxation, the Indian Shipping Industry has been representing that the same is not on comparative par with the rest of the Maritime countries. As regards rationalisation of tax structure, it is an ongoing process, subject to overall fiscal environment of the Indian Economy.